

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT CLEVELAND

ATSCO HOLDINGS CORP., et al.,	)	CASE NO.: 1:15-cv-1586-CAB
	)	
Plaintiffs,	)	JUDGE CHRISTOPHER A. BOYKO
	)	
v.	)	
	)	<b><u>DEFENDANTS' MOTION FOR LEAVE</u></b>
AIR TOOL SERVICE COMPANY, et al.,	)	<b><u>TO HAVE REPRESENTATIVE APPEAR</u></b>
	)	<b><u>BY PHONE AT CASE MANAGEMENT</u></b>
Defendants.	)	<b><u>CONFERENCE</u></b>

Defendants, Air Tool Service Company, n/k/a X5432, Inc. ("ATSCO"), and Rick J. Sabath ("Sabath"), hereby move this Court for leave to permit Sabath to appear by telephone as a representative of the corporate entity and individually at the Case Management Conference scheduled for February 22, 2016 at 10:00 a.m. This motion is made on the grounds that Sabath is a resident and citizen of the State of North Carolina and it will impose an undue hardship upon him to appear at the Case Management Conference. Sabath can attend by telephone in a meaningful way, both as a corporate representative and individually. ATSCO is no longer a functioning business and has no employees or representatives present in the State of Ohio.

For the foregoing reasons, Defendants, Air Tool Service Company, n/k/a X5432, Inc., and Rick J. Sabath, move this Court for an order granting Sabath leave to appear by telephone at the Case Management Conference scheduled for February 22, 2016 at 10:00 a.m.

Respectfully submitted,

/s/ Charles P. Royer

David A. Schaefer (#0014297)

Charles P. Royer (#0037104)

MCCARTHY, LEBIT, CRYSTAL & LIFFMAN, CO., L.P.A.

101 W. Prospect Ave., Suite 1800

Cleveland, Ohio 44115-1088

Phone: (216) 696-1422

Facsimile: (216) 696-1210

das@mccarthylebit.com

cpr@mccarthylebit.com

*Attorneys for Defendants, Air Tool Service Company, n/k/a  
X5432, Inc. and Rick J. Sabath*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 2<sup>nd</sup> day of February, 2016, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Charles P. Royer

Charles P. Royer (#0037104)